

Message Text

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C O R R E C T E D C O P Y (PARA 13 LINE 6 OMITTED)

E.O. 11652: GDS

TAGS: PFOR, OAS, CU

SUBJECT: CUBAN SANCTIONS

FOR AMBASSADOR OR CHARGE

SUMMARY: THIS MESSAGE PROVIDES THE STATE OF PLAY ON THE CUBAN SANCTIONS ISSUE AND PROVIDES GUIDANCE TO BE DRAWN UPON IN THE EVENT OF QUESTIONS FROM OTHER OAS GOVERNMENTS WITH RESPECT TO THE USG POSITION. END SUMMARY

1. BEGIN FYI. AS YOU ARE AWARE, THERE HAVE BEEN IN RECENT WEEKS A NUMBER OF PRESS REPORTS ON POSSIBLE CHANGES IN CUBAN POLICY INVOLVING VARIOUS OAS MEMBER STATES AND THE OAS ITSELF. WE ARE AWARE OF GROWING SPECULATION IN HEMISPHERE CAPITALS AS TO THE STATE OF PLAY. THIS CABLE SUMMARIZES FOR YOUR INFORMATION THE SITUATION AS IT NOW
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STANDS AND PROVIDES GUIDANCE ON WHAT TO SAY IF YOU ARE ASKED.

2. TO RECAPITULATE, THE MANDATORY TRADE AND DIPLOMATIC

SANCTIONS WERE IMPOSED BY THE OAS IN 1964--BY THE TWO-THIRDS VOTE REQUIRED BY THE RIO TREATY--AFTER FLAGRANT CUBAN INTERVENTION IN VENEZUELAN AFFAIRS. (EARLIER, IN 1962, THE CUBAN GOVERNMENT WAS EXCLUDED FROM PARTICIPATION IN THE OAS, BUT THE ISSUE OF CUBAN QTE RE-ENTRY UNQTE IS MOOT SO LONG AS CASTRO MAINTAINS HIS UNBENDING HOSTILITY TO THE OAS ITSELF.) IN RECENT YEARS LATIN AMERICAN SUPPORT FOR SANCTIONS HAS DECLINED MARKEDLY IN RESPONSE TO CASTRO'S SELECTIVE DIPLOMATIC OFFENSIVE AND AS THE CUBAN THREAT SEEMED TO RECEDE. UNTIL 1970, MEXICO, ALONE OF THE OAS NATIONS, MAINTAINED RELATIONS WITH CUBA. PERU, ARGENTINA, TRINIDAD AND TOBAGO, BARBADOS, AND JAMAICA (AS WELL AS GUYANA, WHICH IS NOT AN OAS MEMBER) HAVE SUBSEQUENTLY IGNORED THE SANCTIONS AND NOW HAVE THE FULL RANGE OF RELATIONS WITH CUBA. IT APPEARS THAT AT LEAST A MAJORITY (12) OF THE OAS NATIONS NOW FAVOR LIFTING OR RELAXING THE SANCTIONS. A MINORITY OF COUNTRIES (INCLUDING, HOWEVER, BRAZIL AND CHILE) STILL FIRMLY SUPPORT THEM.

3. A YEAR AGO THE SANCTIONS WERE SERIOUSLY THREATENED BY AN INITIATIVE OF THE VENEZUELAN GOVERNMENT THEN IN OFFICE. THE GOV FLOATED A DRAFT RESOLUTION (A REFINEMENT OF THE PREVIOUS YEAR'S UNSUCCESSFUL PERUVIAN PROPOSAL) UNDER WHICH THE OAS COUNCIL, BY SIMPLE MAJORITY VOTE, WOULD HAVE FREED THE MEMBER STATES TO RENEW RELATIONS WITH CUBA IF THEY SO DESIRED. THE GOV REASONED--NOTWITHSTANDING THE LETTER OF THE VOTING PROVISIONS OF THE RIO TREATY--THAT A MAJORITY VOTE AGAINST THE SANCTIONS WOULD EFFECTIVELY END CUBA'S ISOLATION IN THE HEMISPHERE. ONLY COSTA RICAN RELUCTANCE TO GO ALONG WITH A FORMULA THAT IGNORED THE RIO TREATY'S PROVISIONS PREVENTED THE GOV FROM IMMEDIATELY OBTAINING A TWELVE-VOTE MAJORITY. BUT WHILE WE AND COSTA RICA AGREED THAT ACTION ON CUBA SHOULD BE IN ACCORD WITH THE RIO TREATY, FACIO WAS ALSO LOOKING FOR A WAY TO LIFT SANCTIONS. HE HIT UPON A FORMULA THAT RELIED ON A PRO-CEDURAL MANEUVER TO SHIFT THE BURDEN OF SECURING A TWO-THIRDS MAJORITY TO THOSE WHO SUPPORTED SANCTIONS. ACCORD-CONFIDENTIAL

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ING TO THIS FORMULA FAILURE TO OBTAIN A TWO-THIRDS MAJORITY IN FAVOR OF RETENTION OF SANCTIONS WOULD VOID THEM. WE OPPOSED THIS ON LEGAL AS WELL AS SUBSTANTIVE GROUNDS. BOTH THE GOV--THEN IN THE THROES OF A LOSING ELECTORAL CAMPAIGN--AND FACIO SHELVED THEIR APPROACHES WHEN THE CFLEAN COUP DEPRIVED THOSE ADVOCATING CHANGE OF A CRUCIAL VOTE.

4. AT THE NOVEMBER BOGOTA MEETING OF LATIN AMERICAN FOREIGN MINISTERS, EFFORTS TO PLACE CUBA ON THE AGENDA FOR DISCUSSION WITH THE U.S. WERE UNSUCCESSFUL BECAUSE THE LATINS GAVE PRIORITY TO GETTING THE DIALOGUE OFF TO A PROMISING START. AS IT EVOLVED, NEITHER WE NOR

THE LATINS WISHED TO DISCUSS THE DIVISIVE ISSUE OF CUBA AT THE MEXICO CITY MFM. BY THE TIME OF THE WASHINGTON MFM, THE ISSUE OF SALES TO CUBA BY AMERICAN SUBSIDIARIES OPERATING IN THIRD COUNTRIES SERIOUSLY THREATENED U.S./ARGENTINE RELATIONS. IN VIEW OF THE IMPORTANCE OF THOSE RELATIONS AND THE DANGER TO THE COMPANIES OF ADVERSE ACTION BY THE GOA, WE DECIDED TO GRANT LICENSES FOR EXPORTS TO CUBA BY THE THREE AMERICAN AUTOMOBILE FIRMS OPERATING IN ARGENTINA. THIS TEMPORARILY DEFUSED THE ISSUE BUT CREATED NEW PRESSURES FOR FURTHER EXCEPTIONS.

5. THE ISSUANCE OF THE LICENSES SIDETRACKED THE CUBAN SANCTIONS ISSUE AT BOTH THE WASHINGTON MFM AND THE SUBSEQUENT OAS GENERAL ASSEMBLY IN ATLANTA. HOWEVER, AT THE WASHINGTON MFM THERE HAD BEEN BRIEF DISCUSSION OF A PROPOSAL TO INVITE CUBA TO THE NEXT MFM AT BUENOS AIRES IN MARCH OF 1975. IT WAS AGREED THAT ARGENTINA WOULD TAKE SOUNDINGS, PRIOR TO THE BUENOS AIRES MFM, WITH A VIEW TO REACHING A CONSENSUS ON WHETHER CUBA SHOULD BE INVITED. WE UNDERSTAND PRIVATELY FROM THE ARGENTINES THAT THEY DO NOT PLAN TO UNDERTAKE THESE SOUNDINGS UNTIL TOWARD THE END OF THE YEAR.

6. ALTHOUGH NO RESOLUTIONS WERE INTRODUCED, A NUMBER OF KEY FOREIGN MINISTERS TOUCHED ON THE CUBAN ISSUE IN THEIR SPEECHES AT ATLANTA. IT WAS CLEAR THAT A MAJORITY OF OAS NATIONS FAVORED LIFTING OR RELAXING CONFIDENTIAL

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SANCTIONS AND THAT A NUMBER REGARDED FORMAL OAS ACTION ON THE ISSUE AS A NECESSARY PRELUDE TO CONSIDERATION OF CUBAN PARTICIPATION IN THE BUENOS AIRES MFM.

7. AFTER ATLANTA ATTENTION FOCUSED ON THE ATTITUDES TOWARD CUBA OF THE NEW GOVERNMENTS IN COLOMBIA AND VENEZUELA. THERE WERE VARIOUS REPORTS--WRONG AS IT TURNED OUT--THAT THEY WOULD IGNORE THE RIO TREATY AND ACT UNILATERALLY TO RENEW RELATIONS WITH CUBA. FACIO, SPURRED ON BY OUTGOING COLOMBIAN FOREIGN MINISTER VAZQUEZ, THEN OPENED A CAMPAIGN FOR OAS ACTION BEFORE FURTHER UNILATERAL DEFECTIONS DAMAGED THE EFFECTIVENESS OF THE RIO TREATY.

8. FACIO FLOATED WITH A NUMBER OF COUNTRIES A PROPOSAL FOR AN OAS MEETING IN EARLY AUGUST TO DISPOSE OF SANCTIONS. AFTER CONSULTATION WITH THE GUATEMALAN FOREIGN MINISTER, HE ABANDONED HIS JURIDICALLY DOUBTFUL QTE REVERSE TWO-THIRDS UNQTE FORMULA IN FAVOR OF A PROPOSAL TO ESTABLISH AN OAS COMMITTEE OF INQUIRY-- LOOSELY MODELED ON THE PROCEDURES USED TO LIFT SANCTIONS FROM THE DOMINICAN REPUBLIC AFTER THE DEATH OF

TRUJILLO IN 1961. IN THIS SCHEME, A FIVE-NATION COMMITTEE OF INQUIRY WOULD REPORT TO THE COUNCIL IN TWO MONTHS ON WHETHER CUBA, IN THE WORDS OF THE 1964 RESOLUTION, QTE HAD CEASED TO BE A THREAT TO THE PEACE AND SECURITY OF THE HEMISPHERE UNQTE. THEN, ACCORDING TO FACIO, THE OAS COUNCIL WOULD LIFT THE SANCTIONS BY A TWO-THIRDS VOTE, PER THE TREATY AND THE RESOLUTION. THE ACQUIES-ENCE OF VENEZUELA AND COLOMBIA GAVE FACIO'S INITIATIVE CONSIDERABLE MOMENTUM.

9. BELIEVING THAT ANY OAS CONSIDERATION OF THE ISSUE AT THIS PARTICULAR TIME WAS UNDESIRABLE FROM OUR STANDPOINT, WE SENT AMBASSADOR MAILLIARD TO SAN JOSE AND CARACAS IN LATE JULY TO URGE DELAY AND TO COUNSEL AGAINST UNILATERAL ACTIONS--WHICH WOULD HAVE UNDERMINED THE INTER-AMERICAN SYSTEM AND THE RIO TREATY. AS A RESULT OF THE CONSULTATIONS AND AMBASSADOR VAKY'S DISCUSSIONS IN BOGOTA, WE FOUND THAT NO ONE CONTEMPLATED UNILATERAL ACTION AND THAT ALL AGREED THAT OAS ACTION COULD BE POSTPONED UNTIL LATER IN THE YEAR. CONFIDENTIAL

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10. THIS UNDERSTANDING HAS HELD UP SO FAR. HOWEVER, TWO DEVELOPMENTS SINCE THE MAILLIARD TRIP HAVE IMPACTED ON THE UNDERSTANDING. ONE WAS THE UNFORTUNATE PRESS SPECULATION THAT WE HAD FORCED THE THREE COUNTRIES INTO A POSTPONEMENT. THE OTHER OCCURRED YESTERDAY WHEN THE GOVERNMENT OF PANAMA ANNOUNCED ITS DECISION TO PROCEED UNILATERALLY TO RE-ESTABLISH RELATIONS WITH CUBA. LAST WEEK WHEN THE PANAMANIAN FIRST INFORMED US OF THEIR DECISION, WE URGED THAT THEY NOT ACT INDEPENDENTLY BUT AWAIT COLLECTIVE CONSIDERATION THROUGH ESTABLISHED OAS CHANNELS. THE PANAMANIAN REJECTED OUR REPRESENTATION AND ASKED COLOMBIA AND VENEZUELA IF THEY WOULD JOIN IN RESUMING RELATIONS WITH CUBA. WHEN THEY WERE REBUFFED, IT APPEARED THAT PANAMA WOULD NOT GO IT ALONE. THIS DID NOT PROVE TO BE THE CASE. PANAMA'S UNILATERAL ACTION MAY WELL STIMULATE NEW PRESSURES FOR EARLY OAS ACTION ON CUBA, PARTICULARLY FROM COSTA RICA, COLOMBIA AND VENEZUELA.

11. THE DETAILS OF THESE RECENT MANUEVERS, ALTHOUGH PRESUMABLY KNOWN TO SOME EXTENT IN THE HEMISPHERE, ARE SENSITIVE. POSTS SHOULD NOT VOLUNTEER INFORMATION OR COMMENT ON THE ATTITUDES OF COLOMBIA AND VENEZUELA, FACIO'S INITIATIVE, OR THE PANAMANIAN MANEUVERING PRIOR TO YESTERDAY'S ANNOUNCEMENT.

12. IF QUESTIONS ARE RAISED AS TO THE USG POSITION, AMBASSADORS SHOULD DRAW UPON THE FOLLOWING TWO PARAGRAPHS IN RESPONDING. IF INQUIRIES ARISE ABOUT MAILLIARD'S TRIP YOU SHOULD CONFINE YOURSELF TO THE GUIDANCE IN STATE 168761. END FYI.

13. WITH RESPECT TO THE UNILATERAL ACTION BY PANAMA, WE REGRET THAT THE GOP PROCEEDED OUTSIDE THE OAS FRAMEWORK. THIS WEAKENS THE EFFECTIVENESS OF THE RIO TREATY AND UNDERMINES THE COLLECTION OF THE INTER-AMERICAN SYSTEM. IT ALSO PLAYS INTO THE HANDS OF CUBA WHICH HAS MADE QUITE CLEAR THAT IT HAS NO INTEREST IN REJOINING THE INTER-AMERICAN SYSTEM AND PREFERS ITS DEMISE.

14. THE USG HAS TAKEN DUE ACCOUNT OF THE STATEMENTS BY
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THE NEW GOVERNMENTS OF COLOMBIA AND VENEZUELA CALLING FOR OAS ACTION ON THE CUBAN ISSUE. WE ARE ALSO AWARE OF THE COSTA RICAN FOREIGN MINISTER'S PROPOSAL TO ESTABLISH A COMMITTEE OF INQUIRY. THE U.S. DOES NOT OPPOSE APPROPRIATE CONSIDERATION OF THIS PROBLEM WITHIN THE OAS BUT BELIEVES THAT THERE SHOULD BE THOROUGH CONSULTATIONS. IT IS OUR VIEW THAT THE OAS PERMANENT COUNCIL SHOULD BE IN A BETTER POSITION LATE THIS YEAR TO ADDRESS ITSELF TO INITIATIVES DEALING WITH THE CUBAN QUESTION.

15. OUR POLICY TOWARDS CUBA, WHICH IS BASED ON THE OAS RESOLUTIONS, REMAINS THE SAME AND THERE WILL BE NO CHANGE WITHOUT CONSULTATIONS WITH THE OTHER GOVERNMENTS. WE CONTINUE TO REGARD THE SANCTIONS AGAINST CUBA AS BINDING OBLIGATIONS UNDER THE RIO TREATY WHICH SHOULD BE OBSERVED BY THE MEMBER STATES IN THE ABSENCE OF COLLECTIVE ACTION WITHIN THE OAS FRAMEWORK. AS ON ALL HEMISPHERE MATTERS, THE USG WELCOMES THE VIEWS OF OTHER MEMBER STATES.

16. FOR EMBASSY MEXICO: PLEASE TELL RABASA HOW MUCH WE APPRECIATE HAVING HIS VIEWS. AT YOUR DISCRETION, YOU MAY FILL HIM IN ON OUR POSITIONS AS REFLECTED IN PARAGRAPHS 13, 14 AND 15 WHILE ASSURING HIM THAT WE WILL STAY IN TOUCH.

17. FOR EMBASSIES BOGOTA, BRASILIA, CARACAS, SAN JOSE:
YOU WILL BE GETTING SEPARATE INSTRUCTIONS SHORTLY. KISSINGER

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